

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION**

TERPSEHORE MARAS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-00317-DCLC-CHS
)	
CHATTANOOGA NEWS CHRONICLE,)	District Judge Clifton L. Corker
THEHUFFINGTONPOST, INC.,)	
REPRESENTATIVE STEVEN COHEN,)	Magistrate Judge Christopher H. Steger
US DOMINION, INC., DOMINION)	
VOTING SYSTEMS, INC., DOMINION)	
VOTING SYSTEMS CORPORATION,)	
MEDIA MATTERS FOR AMERICA,)	
OHIO INTELLIGENCE TIPS, ROSS)	
ELDER, and ALI ABDUL RAZAQ)	
AKBAR a/k/a ALI ALEXANDER,)	
)	
Defendants.)	

**MOTION OF DEFENDANT THEHUFFINGTONPOST.COM, INC.
TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

Defendant TheHuffingtonPost.com, Inc. (“HuffPost”)¹ moves the Court to dismiss the Amended Verified Complaint (Docket Entry (“D.E.”) 1-2) against it for lack of personal jurisdiction. *See* Fed. R. Civ. P. 12(b)(2).

The Parties’ “meet and confer” process lasted from January 3 through January 26, 2022, and involved two substantive letters from HuffPost’s counsel, one substantive response letter from Plaintiff’s counsel, and multiple emails. (D.E. 7 – Order Governing Motions to Dismiss.) As part of that discussion, HuffPost’s counsel confirmed that Plaintiff claims “general personal

¹ HuffPost was erroneously sued as TheHuffingtonPost, Inc.

jurisdiction” over HuffPost, but not “specific personal jurisdiction.” A copy of undersigned counsel’s January 25, 2022 letter confirming Plaintiff’s position is attached hereto as Exhibit A.²

This motion is further supported by the contemporaneously filed memorandum and the Declaration of Whitney Snyder, as well as any future submissions or arguments of counsel as may properly come before this Court.³

Respectfully submitted,

s/Robb S. Harvey

Robb S. Harvey (Tenn. BPR No. 011519)
WALLER LANSDEN DORTCH & DAVIS, LLP
511 Union Street, Suite 2700
Nashville, TN 37219
(615) 244-6380
robb.harvey@wallerlaw.com

*Counsel for Specially-Appearing Defendant
TheHuffingtonPost.com, Inc.*

CERTIFICATE OF CONSULTATION

Pursuant to the Court’s Order Governing Motions to Dismiss (D.E. 7), counsel for HuffPost certifies that the parties conferred on several occasions, via substantive letters as well as by email and telephone, between January 3, 2022, and January 26, 2022, to determine whether an amendment could cure the deficient pleading, and have been unable to agree that the pleading is curable by a permissible amendment.

² In the event that Plaintiff reverses course and attempts to argue “specific jurisdiction,” HuffPost reserves the right to address those arguments. HuffPost has relied on the “meet and confer” exchange.

³ HuffPost is filing this motion to dismiss on jurisdiction grounds before filing a substantive motion under Rule 12(b)(6) to challenge, among other things, whether the Amended Verified Complaint states a claim for defamation against HuffPost. Depending on how the Court rules on the instant motion, a subsequent Rule 12(b) motion may not be necessary, or the Court’s ruling will clarify which circuit’s law will apply to the subsequent Rule 12(b)(6) motion. *See Brooks v. Hoffman*, No. 3:13-CV-278, 2014 WL 2818991, at *2 (E.D. Tenn. June 19, 2014) (Reeves, C.J.).

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2022, a true and exact copy of the foregoing was filed via the Court's CM/ECF system. Notice of this filing is anticipated to be sent by operation of the Court's electronic filing system to all registered counsel of record, including the following:

Russell A. Newman
6688 Nolensville Road, Suite 108-22
Brentwood, TN 37027
russell@thenewmanlawfirm.com
Counsel for Plaintiff

Douglas N. Letter
Todd B. Tatelman
Sarah Clouse
Brooks M. Hanner
5140 O'Neill House Office Building
Washington D.C. 20515
Douglas.Letter@mail.house.gov
Todd.Tatelman@mail.house.gov
Sarah.Clouse@mail.house.gov
Brooks.Hanner@mail.house.gov
Counsel for Defendant Steve Cohen

W. Scott Sims
Michael R. O'Neill
SIMS | Funk, PLC
3322 West End Ave.
Suite 200
Nashville, TN 37203
ssims@simsfunk.com
moneill@simsfunk.com
*Counsel for Defendants U.S.
Dominion, Inc., Dominion Voting
Systems, Inc., and Dominion Voting
Systems Corporation*

And via first-class U.S. mail to the following non-registered users:

Media Matters for America
75 Broadway Street, Suite 202
San Francisco, CA 94111

Ali Abdul Razaq a/k/a Ali Alexander
5125 Pinellas Avenue
Keller, TX 76244

s/Robb S. Harvey